

5/8/2012

1 MUNICIPAL FIRE AND POLICE CIVIL SERVICE
2 PUBLIC HEARING

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4 EDWARD MCLEAN

5 VERSUS

6 LAFAYETTE CONSOLIDATED GOVERNMENT (POLICE)

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10 APPEAL OF TERMINATION

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12 The public meeting of the Municipal Fire and
13 Police Civil Service Board was held on Tuesday, May 8,
14 2012, at the Municipal Civil Service Office, 705 West
15 University Avenue, Lafayette, Louisiana, commencing at
16 9:35 A.M.



ORIGINAL

5/8/2012

1 APPEARANCES

2 BOARD:

3 MR. JASON BOUDREAUX, CHAIRMAN
4 MR. RICHARD CHAPPUIS
MR. SCOTT POIENCOT
5 MR. DWIGHT PRUDHOMME

6 MS. FREDRIKA ARNAUD, BOARD SECRETARY

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8 REPRESENTING THE LAFAYETTE CITY-PARISH CONSOLIDATED
GOVERNMENT:

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MR. MICHAEL CORRY
10 ATTORNEY AT LAW
BRINEY FORET CORRY
11 413 TRAVIS STREET
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REPRESENTING EDWARD MCLEAN:

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MS. OLITA MAGEE
15 ATTORNEY AT LAW
100 EAST VERMILION, SUITE 204
16 LAFAYETTE, LOUISIANA 70501

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18 CO-COUNSEL REPRESENTING EDWARD MCLEAN:

19 MR. MURPHY BELL
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20 660 NORTH FOSTER DRIVE, SUITE 214-A
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1 My response would direct the Board's attention to
2 Exhibit C, our original brief, that shows that in
3 fact Corporal McLean, on February 9th, 2011, was
4 advised by Captain Ned Ewing of his
5 predetermination hearing. I would also direct
6 the Board's -- and that was well within the 60
7 days. I would also direct the Board's attention
8 to page four of our brief, where we cite the
9 United States Supreme Court case of Cleveland
10 Board of Education versus Loudermill. And, in
11 that, Loudermill referred to that opportunity to
12 be heard as a pre-termination hearing,
13 predetermination hearing, pre-suspension, pre-
14 demotion -- it is just the opportunity to be
15 heard. Now, with regards to the issue of the
16 document that was attached to the brief of
17 Officer McLean, I would call Sergeant Gremillion
18 to testify.

19 SERGEANT KEITH GREMILLION, after having been duly
20 sworn, was examined and did testify as follows:

21 EXAMINATION BY MR. CORRY:

22 Q Sergeant Gremillion, can you start off by giving
23 us your full name and business address for the
24 record?

25 A Sergeant Keith Gremillion, Lafayette Police

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1 Department, 900 East University Avenue.
2 Q How long have you been with the police
3 department?
4 A 21 years.
5 Q And what is your current position?
6 A Sergeant in Internal Affairs.
7 Q And how long have you been in that position?
8 A Since 2006.
9 Q So you were the sergeant in Internal Affairs
10 during the Ed McLean investigation?
11 A Yes.
12 Q And as the sergeant in Internal Affairs, what is
13 your role or duties, generally, generally and
14 briefly?
15 A Basically what I do is the day-to-day jobs, you
16 know, assigning cases, dealing with lawsuits,
17 attorneys and stuff like that.
18 Q In the Ed McLean matter, what type of
19 investigation was ordered by the Chief?
20 A An administrative investigation.
21 Q And what is the difference between an
22 administrative investigation and a shift level
23 investigation?
24 A Well, it's a shift level and -- an administrative
25 investigation is an investigation. But the shift

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1 level investigation would go to the lieutenant of
2 a shift, as where the administrative
3 investigation would come to Internal Affairs.
4 Q Is it safe to clarify for the Board's benefit
5 that a shift level investigation is kind of a low
6 investigation, maybe not a serious offense, and
7 an administrative investigation is something more
8 serious that entails Internal Affairs? And if I
9 need to get Chief Craft to explain it, I will be
10 happy to do that. If it is not something --
11 A It's more of a major policy violation, would be
12 something that's handled by Internal Affairs.
13 Q When we received the brief from counsel for
14 Officer McLean dated February 1st, 2012, attached
15 to it was an Exhibit A. Did you receive a copy
16 of that brief?
17 A Yes.
18 Q And did you see Exhibit A attached thereto?
19 A Yes. I did.
20 Q Is this a memorandum, a form memorandum that is
21 used in Internal Affairs?
22 A Yes.
23 Q Was that memorandum in any way related to the Ed
24 McLean matter?
25 A No. It was not.

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1 Q And why wasn't it?

2 A Because it was not a shift level investigation.

3 Q And when you received a copy of that Exhibit A,

4 did you do some investigation to determine how

5 Officer McLean may have obtained a copy of it

6 since it was not part of Internal Affairs's

7 investigation in this case?

8 A Yes. I did. I went and looked at some recent

9 shift level investigations. And I located that

10 particular form, the original.

11 Q And did you determine that the submission,

12 Exhibit A, attached to Officer McLean's brief had

13 actually been taken out of another file and

14 whited out?

15 A Yes. It had.

16 Q And used in this matter for whatever reason?

17 A Yes.

18 Q Do you have any explanation as to how that

19 memorandum was taken out of the file and brought

20 before this Board's attention with it being

21 whited out?

22 A No. I do not.

23 Q It was not part of this investigation?

24 A Correct. And that actual investigation, that

25 officer sustained discipline. And that file --

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1 he did not appeal it. So that file was in our
2 office.

3 MR. CORRY:

4 We would like to know where they got
5 it from and why it was used in this matter,
6 because it is not part of the IA file.

7 CHAIRMAN BOUDREAUX:

8 You are the police department.
9 Investigate it.

10 MR. CORRY:

11 Do you know where it came from?

12 MS. MAGEE:

13 As far as I'm concerned, it is
14 attorney/client privilege. It was provided
15 to me by a client. A client.

16 SERGEANT GREMILLION:

17 Well, I just have to say that file
18 came from my office and it went to certain
19 individuals in the department who
20 investigated it, and that this form should
21 have never been released. And it was
22 whited out when it was given, which is a
23 serious breach of integrity.

24 CHAIRMAN BOUDREAUX:

25 You are talking about Exhibit A you

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1 R E P O R T E R ' S P A G E

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3 I, Bernie Trappey, Certified Court Reporter, in
4 and for the State of Louisiana, the officer, as
5 defined in Rule 28 of the Federal Rules of Civil
6 Procedure and/or Article 1434(b) of the Louisiana Code
7 of Civil Procedure, before whom this sworn testimony
8 was taken, do hereby state on the record:

9 That due to the interaction in the spontaneous
10 discourse of this proceeding, dashes (--) have been
11 used to indicate pauses, changes in thought, and/or
12 talkovers; that same is the proper method for a court
13 reporter's transcription of proceeding; that the
14 dashes (--) do not indicate that words or phrases have
15 been left out of this transcript; and that any words
16 and/or names which could not be verified through
17 reference material have been denoted with the phrase
18 "(phonetic)."

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21 BERNIE TRAPPEY, CCR

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